

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
DAVID H. BUNDY, MICAH MCGUIRE,  
MEL BUNDY, and JOSEPH  
O'SHAUGHNESSY,  
Defendants.

Case No.: 2:16-cr-0046-GMN-PAL

## AMENDED ORDER

DAVID H. BUNDY, MICAH MCGUIRE,  
MEL BUNDY, and JOSEPH  
O'SHAUGHNESSY,  
  
Defendants.

Pending before the Court is the Report and Recommendation of United States Magistrate Judge Peggy A. Leen, (ECF No. 1280), which states that Defendant David H. Bundy's Motion to Dismiss, (ECF No. 746), should be denied. The Court's Prior Order, (ECF No. 1413), accepted and adopted in full the Report and Recommendation as to David H. Bundy.

Specifically, the Court’s prior Order, (ECF No. 1413), denied Defendant David H. Bundy’s Motion to Dismiss. The Court amends its prior Order, (ECF No. 1413), and applies its ruling to Defendants that joined David H. Bundy’s Motion: Micah McGuire, Mel Bundy, and Joseph O’Shaughnessy (“collectively Defendants”). (*See* Order and R. & R. 14:17–19, ECF No. 1280) (granting Motions for Joinder (ECF Nos. 791, 814, 820)).

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is

1 not required to conduct “any review at all . . . of any issue that is not the subject of an  
2 objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized  
3 that a district court is not required to review a magistrate judge’s report and recommendation  
4 where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114,  
5 1122 (9th Cir. 2003).

6 Here, no objections were filed by Defendants, and the deadline to do so has passed.

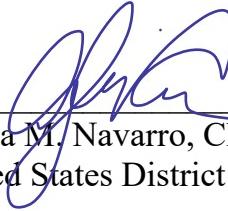
7 Accordingly, the ruling in the prior Order, (ECF No. 1413), also applies to Defendants  
8 that joined David H. Bundy’s Motion to Dismiss, (*See* Motions for Joinder, ECF Nos. 791, 814,  
9 820).

10 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 1280), is  
11 **ACCEPTED and ADOPTED in full** as to David H. Bundy, Micah McGuire, Mel Bundy, and  
12 Joseph O’Shaughnessy.

13 **IT IS FURTHER ORDERED** that Defendant David H. Bundy’s Motion to Dismiss,  
14 (ECF No. 746), is **DENIED**.

15 **DATED** this 23 day of January, 2018.

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Gloria M. Navarro, Chief Judge  
United States District Court